

D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN DOUGAL and BIG DOUGS
ENTERPRISES, L.L.C.,

Plaintiff(s),

REPORT AND
RECOMMENDATION

-against-

CV 11-1370 (ADS) (ETB) **FILED**
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D. N.Y.

★ SEP 09 2011 ★

FREDERICK IPPOLITO, Individually and as
Commissioner of Planning of the Town of
Oyster Bay, N.Y., JOHN VENDETTO,
Individually and as Supervisor of the Town of
Oyster Bay, N.Y., and TOWN OF OYSTER
BAY, N.Y.,

LONG ISLAND OFFICE

Defendant(s).

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TO THE HONORABLE ARTHUR D. SPATT, United States District Judge:

This is a civil rights action arising from an alleged warrantless entry by Oyster Bay Town municipal officials onto the grounds of plaintiffs' landscaping business located on Jericho Turnpike.

The parties are in agreement that the action will be discontinued upon the sale of the property and have jointly requested that this action be removed from the active docket and administratively closed for one (1) year pending the sale of the property.

The court denied the plaintiffs' application for a temporary restraining order on March 31, 2011. Thereafter, the defendants agreed not to place a lien for the clean-up costs on the property pending its sale. See stipulation so ordered on April 1, 2011.

RECOMMENDATION

To minimize expenses to the plaintiffs and the municipal defendants, this action should be administratively closed for one (1) year pending the sale of the plaintiffs' property, provided that any party may make application to restore this action to the active docket on or before July 13, 2012.

OBJECTIONS TO THIS REPORT AND RECOMMENDATION

Any written objections to this Report and Recommendation must be filed with the Clerk of the Court, with a copy to the undersigned, within fourteen (14) days of service of this Report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 72(b). Failure to file objections within fourteen (14) days will preclude further appellate review. Thomas v. Arn, 474 U.S. 140, 145 (1985); IUE AFL-CIO Pension Fund v. Herrmann, 9 F.3d 1049, 1054 (2d Cir. 1993); Frank v. Johnson, 968 F.2d 298, 299-300 (2d Cir. 1992).

Dated: Central Islip, New York
July 13, 2011

/s/ E. Thomas Boyle
E. THOMAS BOYLE
United States Magistrate Judge

Upon the Court's review and upon consent of the parties, the Court adopts United States Magistrate Judge E. Thomas Boyle's Report and Recommendation in this case. The Clerk of the Court is directed to mark this case closed, subject to recommencement on motion on or before July 13, 2012. So Ordered.



U.S.D.J. Arthur D. Spatt
9/9/11